

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SAVINGS BANKS EMPLOYEES
RETIREMENT ASSOCIATION,

Plaintiff,

v.

EAST BOSTON SAVINGS BANK;
BERKSHIRE BANK; CAPE COD FIVE
CENTS SAVINGS BANK; SOUTH SHORE
SAVINGS BANK; and WORONOCO
SAVINGS BANK,

Defendants.

CIVIL ACTION NO. 04-11545-EFH

**SAVINGS BANKS EMPLOYEES RETIREMENT ASSOCIATION'S
ASSENTED-TO MOTION FOR RELIEF FROM JUDGMENT**

Plaintiff Savings Banks Employees Retirement Association ("SBERA") hereby submits this motion pursuant to Fed. R. Civ. P. 60(a) seeking relief from an oversight in the Order and Findings of Fact and Conclusions of Law issued by this Court on May 9, 2006. Defendant South Shore Savings Bank has given its assent to this motion.

On May 9, 2006 this Court found that the Defendants in this matter were in breach of their agreements with SBERA to pay termination fees. The Court ordered the Defendants to pay the amounts claimed by SBERA, including an order for Defendant South Shore Savings Bank ("South Shore") to pay \$35,840.56. In addition to the amounts ordered paid by the Court ordered, SBERA also sought to recover from South Shore \$8,508.08 in termination fees incurred by Horizon Bank & Trust, which was acquired by South Shore. In their Joint Pre-Trial Statement, the parties stipulated that (1) \$8,508.08 was the amount assessed by SBERA to Horizon Bank & Trust upon its withdrawal on September 30, 2004, (2) this amount was not paid,

(3) South Shore Savings Bank is the successor-in-interest to Horizon Bank & Trust, and (4) SBERA sought to recover this amount from South Shore Savings Bank. See Parties' Joint Pre-Trial Statement at ¶ 12(d), fn 1.

In its May 9, 2006 Order, the Court ordered all of the Defendants to pay the amounts sought by SBERA plus interest. In an apparent oversight, however, the Court failed to include an order for South Shore Savings Bank also to pay the \$8,508.08 termination fee incurred by Horizon Bank & Trust.

WHEREFORE, Plaintiff Savings Banks Employees Retirement Association, with the assent of Defendant South Shore Savings Bank, hereby requests that the Court's May 9, 2006 Order and Findings of Fact and Conclusions of Law be amended to include an order for Defendant South Shore Savings Bank to pay \$8,508.08 in addition to the sum already ordered.

Respectfully submitted,

SAVINGS BANK EMPLOYEES
RETIREMENT ASSOCIATION,

by its attorneys,

s/Alicia Alonso Matos
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Dated: May 24, 2006

Assented to:

s/Nicole Colby Longton
Nicole Colby Longton, Esq.
Counsel for Defendants

May 24, 2006